HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27361 of 2006

Dated:02.01.2007

Between:

Sri Komirisetti Yadaiah.

…Petitioner

and

The Deputy Collector.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27361 of 2006

ORDER:

The petitioner is the son of Komirisetti Lingaiah, who was assigned land admeasuring Ac.0.27 guntas in Survey No. 10/34 situated at Batasingaram Village of Hayathnagar Mandal in Ranga Reddy District. After the death of his father in 1983, the petitioner has allegedly succeeded the property and enjoying the same. He also statedly obtained pattadar pass book and title deed. It is his case that in the first week of December 2006, the respondent came to the land and informed him that he should evict the land on the ground that the same was resumed by proceedings dated 19.06.2006 passed under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioner obtained a copy thereof, and filed the present Writ Petition assailing the proceedings bearing No.C/878/2005, dated 19.06.2006.

A perusal of the impugned order would show that notice in Form No.I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, was issued and the same was also affixed on the Notice Board of the Gram Panchayat Batasingaram Village. As no representation/explanation was received from the assignee, the assignment was cancelled and the land was ordered to be resumed.

This aspect of the matter is seriously disputed by the learned Counsel for the petitioner. He submits that since 1983 the petitioner was in possession and at no point of time the respondent issued any notice to the petitioner though the petitioner is very much in possession and cultivating the land. This is certainly a disputed question of fact, which can still be gone into by the appellate authority under Section 4A of the Act. Indeed, the respondent also informed the petitioner in the impugned order itself that an appeal would lie to the Revenue Divisional Officer.

Therefore, the petitioner may as well avail such remedy, which is speedy and effective. A week's time is granted to the petitioner to file the appeal. As and when the appeal is filed, the Revenue Divisional Officer having jurisdiction may decide the matter as expeditiously as possible, preferably, within a period of eight weeks from the date of filing of the appeal.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

02.01.2007
vs